

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

AUGUST 18, 2009

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Mark Webb, Jeff McKean, Grant Monahan, Brad Klopfenstein, Greg Genrich, Trevor Vance and John Barnett were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the August 4, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the August 18, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred twenty-three (323) renewals approved, forty-eight (48) new and/or transfer permits approved, seven (7) permits approved for catering, two (2) permits approved for first year escrow, one (1) permit approved for second year escrow, and three (3) permits approved for third year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR49-18652 LA NUEVA FAVORITA, INC. – Commissioner Guthrie noted this is a type 106 transfer of ownership with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-06268 MERRI, INC., D/B/A OUR DOLLS – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board recommended denial due to the fact that the fine due this permittee has not been paid. However, it is now paid, so the local board requests this be remanded to them.

Commissioner Guthrie moved to remand this application to the local board for further investigation. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR54-25974 ACC KARAMBS, INC. – Commissioner Guthrie noted this is a new type 103 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie stated the Excise officer sitting on the board has a concern regarding the ownership.

Commissioner Guthrie moved to table this application for further review by the Commission. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR64-19510 PHILCAR ENTERPRISES, INC. Commissioner Guthrie noted this is a type 210 renewal with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie stated there have been multiple violations at this establishment.

Commissioner Guthrie moved to approve the renewal for one year. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES – Vice Chairman Johnson moved to make two (2) permits inactive. Both permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

No New Business

### **POLICY DETERMINATIONS**

READOPTON OF RULES – Executive Secretary Dunsmore stated the Commission is in the process of readopting 905 IAC 1-39, 905 IAC 1-40, 905 IAC 1-41 and 905 IAC 1-45, in the current form (LSA Doc #09-609), due to the fact that they are scheduled to sunset at the end of 2009. Notice has been given to LSA.

### **ANNOUNCEMENTS**

SUPERINTENDENT ALEX HUSKEY – Superintendent Huskey thanked the Commission for the opportunity to allow him, Major Poindexter and Public Information Officer Fults to attend the National Enforcing Underage Drinking Laws National Leadership Training Program Conference sponsored by the Office of Juvenile Delinquency Programming. At that conference, the Alcohol and Tobacco Commission and the Indiana State Excise Police were presented with an award for their efforts in the Survey for Alcohol Compliance Program (SAC) as a national success story. The Superintendent also stated that the National Liquor Law Enforcement Conference is looking at adopting the Indiana SAC program as a model for other law enforcement entities.

### **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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P. TOM SNOW, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER